

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
APRIL 21, 1970

An adjourned regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Tuesday, April 21, 1970, in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - BROWN, CULBERTSON,  
HUNNELL, SCHAFFER  
and KIRSTEN (Mayor)

Absent: Councilmen - None

Also present: City Manager Graves, Assistant City Manager Peterson, City Attorney Mullen, Planning Director Schroeder, and Public Works Director Jones.

PLEDGE

Mayor Kirsten led the Pledge of Allegiance to the flag.

MINUTES

On motion of Councilman Brown, Hunnell second, the Minutes of March 18, 1970, and April 1, 1970 were approved as written and mailed.

PRESENTATIONS

Mr. Robert Ure of the State Compensation Insurance Fund presented the Mayor with two dividend checks totaling \$24,819.55. Mr. Ure congratulated the City on its safety record.

PUBLIC HEARINGS

GUNSCH-EDINGER  
STREET LIGHTING  
DISTRICT

RES. NO. 3374

The public hearing concerning the Gunsch-Edinger Street Lighting District having been continued from the meeting of April 1, 1970, Mayor Kirsten called for continuation of the hearing. The City Manager presented a Certification from the City Clerk certifying that the petition protesting formation of the district contained signatures of owners of more than one-half of the property to be assessed. The City Manager explained that this protest would then overrule the original petition received for formation of the district. City Attorney Mullen explained that unless protests were withdrawn so as to reduce the same to less than a majority, no further proceedings shall be taken for a period of one year from the date of the decision of the legislative body on the hearing, unless the protests are overruled by an affirmative vote of four-fifths of the members of the Council. (GC 5222)

There being no one in the audience wishing to withdraw their signature from the petition, the Council, on motion of Councilman Schaffer, Brown second, adopted Resolution No. 3374 ordering that no action be taken on the formation of the Gunsch-Edinger Street Lighting District.

Minutes of April 21, 1970 continued

APPEAL -  
DAIRY QUEEN  
DRIVE-IN  
GRANTED

Notice thereof having been published in accordance with law, Mayor Kirsten called for the public hearing on the appeal of Mr. Thurman Sears of the Dairy Queen Drive-In from the decision of the City Planning Commission in denying his request for a use permit to allow an existing revolving sign to continue rotating after May 31, 1973 at 701 South Cherokee Lane.

Planning Director Schroeder introduced the matter showing a drawing of the sign. He explained that the Commission had denied the request because a rotating sign in this area would tend to cause a traffic hazard.

Mr. Thurman Sears, 1130 DeVine Drive, owner of the Dairy Queen Drive-In, spoke in favor of the appeal. There being no one in the audience who wished to speak against the appeal, the public portion of the hearing was closed.

After Council discussion, Councilman Culbertson moved the appeal from the decision of the Planning Commission for a use permit to allow an existing revolving sign to continue rotating after May 31, 1973 at 701 South Cherokee Lane be granted. The motion was seconded by Councilman Schaffer and carried by the following vote:

Ayes: Councilmen - Culbertson, Hunnell and Schaffer

Noes: Councilmen - Kirsten and Brown

PLANNING COMMISSION

CRITERIA FOR  
USE PERMITS  
FOR SERVICE  
STATION  
LOCATIONS

RES. NO. 3375

City Manager Graves presented the revised criteria for use permits for new automobile service stations locations submitted by the Planning Commission. Copies of the revised criteria had been forwarded to the Council prior to the meeting. Planning Director Schroeder reviewed the criteria and discussed changes which had been made by the Planning Commission. He explained that the proposed criteria was designed to be used as a policy statement which would be provided to developers. Mr. Riney Bender, 729 South Pleasant Avenue, stated he did not agree with the restrictions being imposed upon future service station developers. After considerable discussion of the proposed criteria, Councilman Brown moved adoption of Resolution No. 3375 approving the revised criteria for use permits for new automobile service stations locations dated April 17, 1970 after amending the criteria as follows:

"Delete items 3, 4, 5, 6 and 12"

Minutes of April 21, 1970 continued

The motion was seconded by Councilman Culbertson. Councilman Culbertson then moved that the motion be amended to include item 3 in the criteria but strike out the words "C-2" in that item and add a section to the criteria providing that in areas of the City zoned C-2 rental of mobile homes may be prohibited. The motion was seconded by Councilman Schaffer.

The above amendment to the motion was then passed by the following vote:

Ayes: Councilmen - Brown, Culbertson, Hunnell  
and Schaffer

Noes: Councilmen - Kirsten

The original motion as amended then passed by the following vote:

Ayes: Councilmen - Culbertson, Schaffer and Brown

Noes: Councilmen - Kirsten and Hunnell

The criteria for use permits for new automobile service stations as adopted by Resolution No. 3375 shall then read as follows:

1. The minimum parcel upon which an automobile service station may be located shall be 15,000 square feet with a minimum of one hundred and twenty-five (125') feet of street frontage.
2. The following activities shall be prohibited at automobile service stations:
  - a. Automobile painting and body and fender repair; and
  - b. Major motor overhaul.
3. In areas of the City zones C-S and C-1 the following activities may be prohibited at automobile service stations:
  - a. Sale of products not associated with automobile service or accessories, and
  - b. Rental of automobiles, trucks, utility trailers or mobile homes.
4. In areas of the City zoned C-2, the rental of mobile homes may be prohibited at automobile service stations.
5. The site of an automobile service station shall be screened when adjacent to residentially-zoned property.
6. The landscaping and sprinkler system plans shall be approved by the Department of Public Works.

Minutes of April 21, 1970 continued

7. On-site yard lighting shall be of a low level design as approved by the Department of Public Works and shall not cause glare to surrounding properties or adjacent streets.
8. The architectural design of the service station shall be as shown on the construction plan approved by the Planning Commission.
9. Signs shall conform to City sign requirements.
10. Signs from ground level to eight (8') in height shall be prohibited in the area formed measuring at the property line a distance of thirty (30') feet from the point of intersection of two streets and connecting two of these lines in triangular fashion.
11. Driveway locations shall be as approved by the Department of Public Works.

#### COMMUNICATIONS

ABC LICENSE	A Notice of Application for Alcoholic Beverage License was received for the Lodi Padres Baseball Club, a California Corporation, 350 North Washington Street, on sale beer seasonal.
TRUCKS - E. TOKAY ST.	A letter was read from "residents of East Tokay Street" requesting stricter enforcement of the ordinance prohibiting trucks in excess of five tons to travel on East Tokay Street.
NUISANCE - MOTORCYCLES	A letter was received from Dana D. Corrough concerning the motorcycle riding in the area of Lakewood and Edgewood Drives. Attention was also called to the ordinance recently adopted by the City of Stockton intended to eliminate cyclists from riding on the river levees.
RESIGNATION - W. COLBURN	Mayor Kirsten presented the resignation of W. A. Colburn from the Planning Commission effective April 15, 1970. Councilman Culbertson moved Mr. Colburn be given a resolution of appreciation for his service on the Commission. The motion was seconded by Councilman Schaffer and carried by unanimous vote.

#### REPORTS OF THE CITY MANAGER

CLAIMS	Claims in the amount of \$90,574.93 were approved on motion of Councilman Schaffer, Culbertson second.
--------	--

Minutes of April 21, 1970 continued

DOG  
PROGRAM  
APPROVED

City Manager Graves presented the proposed dog program as outlined in his letter to the Council dated April 17, 1970 for approval. On motion of Councilman Schaffer Brown second, the Council unanimously approved implementation of the Police Dog Program as outlined by the City Manager.

SALE OF LAND -  
STOCKTON BOX -  
DENIED

The City Manager explained that, in accordance with an earlier decision of the City Council, the Stockton Box Company had indicated a desire to purchase a 15-foot strip of land along the north boundary of the City property being planned for a softball complex. The Company had offered to pay at a rate of \$12,000 per acre, which is approximately the price paid by the City. Mr. Graves further explained that a clause in the deed for the property from Mr. and Mrs. T. J. Hallinan provides that in the event of any sale of the property the City would pay to Mr. and Mrs. Hallinan any moneys owning them at the time of sale. On motion of Councilman Brown, Hunnell second, the Council, by unanimous vote, denied the sale of the above mentioned property to the Stockton Box Company. The Council then discussed the possibility of renting the 15-foot strip of land to Stockton Box Company and requested the City Manager to determine if the Company would be interested in a rental arrangement.

PLANS -  
SOFTBALL  
COMPLEX

On motion of Councilman Culbertson, Hunnell second, the City Council approved plans for the softball Complex and authorized advertising for bids thereon.

LITTLE LEAGUE  
FACILITIES -  
VINEWOOD PARK  
APPROVED

The City Manager presented plans for the Little League facilities planned for the Vinewood Park. He reviewed the plans and explained that four baseball diamonds for Little League games were planned for this park. The estimated cost is \$3,600 for the four backstops, and they are to be donated by the Boosters of Boys' Sports Organization. On motion of Councilman Culbertson, Schaffer second, the plans were approved as presented.

TREE REMOVAL  
MASONIC TEMPLE

The City Manager reported that a letter had been received from the Masonic Temple Association of Lodi requesting permission to remove a ginkgo tree at 315 West Pine Street. The request stated that the tree bears a type of fruit pod which drops on the sidewalks and streets, thereby creating a safety hazard.

The City Manager reported that the Public Works Director had recommended that the City Council reaffirm the tree removal policy and the tree not be removed since it did not meet the City's criteria for removal. On motion of Councilman Culbertson, Hunnell second, the above request for removal of the tree was denied.

PLANS & SPECS -  
VIRGINIA STREET  
STORM DRAIN

On motion of Councilman Brown, Schaffer second, plans and specifications for the Virginia Street Storm Drain were approved and advertising for bids thereon authorized.

Minutes of April 21, 1970 continued

FINAL MAP -  
WESTLAKE  
UNIT #2

All requirements of the City having been met, the final map of Westlake Unit #2 Subdivision was presented for Council approval. On motion of Councilman Culbertson, Brown second, the final map was approved and the City Manager authorized to execute the Subdivision Agreement and the Electrical Utility Agreement on behalf of the City. The motion carried with Councilman Schaffer and Mayor Kirsten abstaining from voting because of a possible conflict of interest.

EXECUTIVE  
SESSION

At approximately 9:55 p.m. the Mayor adjourned to executive session. The Council reconvened at approximately 10:05 p.m.

MUNICIPAL  
ELECTION  
RESULTS

The City Clerk certified that she had canvassed the returns of the General Municipal Election and Lodi Unified School District Maximum Tax Rate Election held April 14, 1970 and reported the results thereof. On motion of Councilman Brown, Hunnell second, the Council adopted the following resolution:

RESOLUTION NO. 3376  
DECLARING RESULT OF ELECTION

WHEREAS, a General Municipal Election and Lodi Unified School District Maximum Tax Rate Election was held and conducted in the City of Lodi on Tuesday, the 14th day of April, 1970, as is required by law; and

WHEREAS, it appears from the report of the City Clerk and the records on file in her office that voting precincts were properly established and the polling places thereof designated; that election officers were appointed and qualified; that election supplies, including official ballots, were furnished each of said precincts; and that in all respects, said election was held and conducted and the votes received thereat received and canvassed and the returns thereof made, determined and declared in time, form and manner as required by the laws of the State providing for and regulating elections in general law cities; and

WHEREAS, in accordance with Resolution No. 3361, the City Clerk conducted the canvass of the returns of said election; and

WHEREAS, the City Council of the City of Lodi, meeting at the City Council Chambers this 21st day of April, 1970, to declare the results of the election and to install the newly elected officers, finds, determines and declares, as a result of said count and canvass as certified by the City Clerk:

(1) That said General Municipal Election and Lodi Unified School District Maximum Tax Rate Election was held and conducted in the City of Lodi, California, on the 14th day of April, 1970, in time, form and manner required by law;

(2) That there were thirteen voting precincts established in said City for the purpose of holding said election, viz:

## Minutes of April 21, 1970 continued

VOTING PRECINCT 1, comprising State and County precinct numbers L2401 and L2402.

VOTING PRECINCT 2, comprising State and County precinct numbers L2403 and L2404.

VOTING PRECINCT 3, comprising State and County precinct numbers L2406 and L2407.

VOTING PRECINCT 4, comprising State and County precinct numbers L2408 and L2409.

VOTING PRECINCT 5, comprising State and County precinct numbers L2410 and L2411.

VOTING PRECINCT 6, comprising State and County precinct numbers L2412 and L2413.

VOTING PRECINCT 7, comprising State and County precinct numbers L2405 and L2414.

VOTING PRECINCT 8, comprising State and County precinct numbers L2415 and L2416.

VOTING PRECINCT 9, comprising State and County precinct numbers L2417 and L2418.

VOTING PRECINCT 10, comprising State and County precinct numbers L2419 and L2420.

VOTING PRECINCT 11, comprising State and County precinct numbers L2421 and L2422.

VOTING PRECINCT 12, comprising State and County precinct numbers L2423 and L2424.

VOTING PRECINCT 13, comprising State and County precinct numbers L2425 and L2426.

(3) That the whole number of votes cast as said election was twenty-two thousand seven hundred nineteen (22,719).

(4) That the names of the persons voted for, the offices for which they were voted, and the number of votes received by each of said persons in each of said precincts, together with the whole number of votes received in the entire City by each of said persons are as follows:

## Minutes of April 21, 1970 continued

## For City Councilman

Prec. No.	Jim Culbertson	Elmer R. Brown	Ezra M. Ehrhardt	Richard L. Hughes	Walter J. Katnich	Victor W. Meyer
1	128	176	282	247	181	209
2	161	179	267	235	180	219
3	170	205	325	262	187	197
4	176	272	323	327	242	269
5	250	336	488	451	371	334
6	250	228	348	360	257	241
7	156	207	248	269	190	227
8	273	287	353	445	226	251
9	249	224	311	343	261	245
10	186	241	343	349	254	269
11	284	226	330	487	406	291
12	279	283	418	453	388	343
13	353	302	460	590	493	363
Abs.	44	33	37	53	38	25
TOTAL	2959	3199	4533	4871	3674	3483

Lodi Unified School District Maximum Tax Rate Election

Prec. No.	YES	NO
1	171	244
2	165	252
3	159	291
4	222	323
5	403	357
6	274	304



## Minutes of April 21, 1970 continued

7	165	259
8	266	353
9	265	294
10	222	330
11	378	332
12	361	386
13	460	422
Abs.	45	33
<hr/>		
TOTAL	3,556	4,180

RESOLVED, THEREFORE, that at said General Municipal Election and Lodi Unified School District Maximum Tax Rate Election held in the City of Lodi on April 14, 1970, the following named persons were elected to the office of City Councilman:

EZRA M. EHRHARDT, for a term of four years from and after the 21st day of April, 1970, and until his successor shall have been elected and shall have qualified;

RICHARD L. HUGHES, for a term of four years from and after the 21st day of April, 1970, and until his successor shall have been elected and shall have qualified;

WALTER J. KATNICH, for a term of four years from and after the 21st day of April, 1970, and until his successor shall have been elected and shall have qualified.

BE IT FURTHER RESOLVED, that the measure submitted to the voters proposing an increase in the maximum tax rate from Two Dollars and Ninety-Eight Cents and Four Mills (\$2.984) on each One Hundred Dollars (\$100.00) of assessed valuation within the Lodi Unified School District to Three Dollars and Eighty-Seven Cents and Four Mills (\$3.874) on each One Hundred Dollars (\$100.00) of assessed valuation within this school district failed to receive the necessary percentage of votes for passage.

Upon the adoption of this resolution, the City Clerk shall enter a full copy thereof on the records of the City Council of the City of Lodi for its meeting held this 21st day of April, 1970.

Mayor Kirsten thanked Councilmen Brown, Culbertson and Hunnell for their service to the City of Lodi.

Councilman Hunnell stated he had learned a great deal while serving on the Council. He expressed his desire for the Council to pursue study of the following programs:

Minutes of April 21, 1970 continued

1. Master Plan
2. Traffic Report
3. Training Program for City Employees
4. Water System
5. Acreage Fees

Councilman Hunnell also suggested that a system for follow-up on requests made by Councilmen at Council meetings should be devised.

Councilman Culbertson stated that serving as City Councilman for the past twelve years had been most rewarding, and he expressed appreciation to the citizens for having given him this opportunity to serve the community. He agreed with Councilman Hunnell's comments and suggested the following areas should also be studied:

1. Storm Drainage
2. Public Relations
3. Additional wing for City Hall

Councilman Brown then expressed his appreciation for having had the opportunity to serve on the Council for the past twelve years.

#### OATH OF OFFICE

The City Clerk administered the oath of office to Mr. Ehrhardt, Mr. Hughes and Mr. Katnich and presented a certificate of election to each.

#### REORGANIZATION OF THE CITY COUNCIL

#### MAYOR AND VICE MAYOR ELECTED

The City Clerk called the new Council to order and asked for nominations for Mayor. Councilman Kirsten nominated Councilman Schaffer. The motion was seconded by Councilman Hughes. Nominations were closed on motion of Councilman Ehrhardt, Kirsten second. Councilman Schaffer was elected by unanimous vote. Councilman Kirsten then nominated Councilman Hughes for Mayor Pro Tempore. The motion was seconded by Councilman Ehrhardt. The nominations were closed on motion of Councilman Kirsten, Katnich second. Councilman Hughes was then elected by unanimous vote.

Congratulations were expressed to both the new Mayor and Vice-Mayor.


#### EXECUTIVE SESSION

At 10:30 p.m. the Council adjourned to executive session to discuss personnel matters. The Council reconvened at 11:10 p.m.

Minutes of April 21, 1970 continued

**ADJOURNMENT**

There being no further business, the Council adjourned at approximately 11:10 p.m. on motion of Councilman Kirsten.

Attest:   
BESSIE L. BENNETT  
City Clerk